

IN THE UNITED STATES DISTRICT FOR
THE DISTRICT OF NEW HAMPSHIRE

JEANICE FARLEY, individually and §
on behalf of MICHAEL FARLEY, an §
incompetent adult, §

Plaintiffs

VS.

UNITED STATES OF AMERICA,

Defendant

§ § § § § § § § § § §

No. 1:13-cv-261-LM

PLAINTIFF'S PROPOSED ORDER ESTABLISHING TRUSTS

Before the Court is Parties Motion to Establish two trusts for the benefit of Michael Farley. Accordingly, it is ORDERED that Plaintiff's motion be GRANTED, and the following trusts shall be created. It is FURTHER ORDERED that First Capital Surety and Trust Company is hereby appointed Trustee of the following two trusts:

- (a) “Michael Farley 2015 Irrevocable Reversionary Medical Care Trust”—to deposit future medical care damages, with a reversionary interest for the Government upon Mr. Farley’s death, the terms of which are contained in the trust agreement attached as **Exhibit A** to this Order.
- (b) “Michael Farley 2015 Supplemental Care Trust”—to deposit the remainder, attached as **Exhibit B** to this Order.

It is FURTHER ORDERED that Trustee First Capital Surety and Trust Company shall retain separate segregated accounts for the above trusts and shall not co-mingle the

monies and any interests or dividends, with any other funds or assets, including any other funds or assets of Michael Farley.

It is FURTHER ORDERED that within 90 days of this Order, the United States shall deposit into the IOLTA Trust Account of the Whitehurst, Harkness, Brees, Cheng, Alsaffar, & Higginbotham, PLLC law firm for disbursement as follows:

1. \$13,368,710.62, plus post judgment interest, to be reserved for the
“Michael Farley 2015 Irrevocable Reversionary Medical Care Trust.”
After deducting 25% attorney’s fees under the FTCA and a pro-rata share of costs, the remainder shall be deposited to fund the “Michael Farley 2015 Reversionary Medical Care Trust.”
2. \$8,100,000.00, plus post judgment interest, to be reserved for the
“Michael Farley 2015 Supplemental Care Trust.” After deducting 25% attorney’s fees under the FTCA and a pro-rata share of costs, the remainder shall be deposited to fund the “Michael Farley 2015 Supplemental Care Trust.”
3. \$100,000, plus post judgment interest, to be reserved for Jeanice Farley.
After deducting 25% attorney’s fees under the FTCA and a pro-rata share of costs, the remainder shall be delivered to Jeanice Farley.

It is FURTHER ORDERED that Trustee, First Capital Surety and Trust Company, has power to make payments from the “Michael Farley 2015 Irrevocable Reversionary Medical Care Trust” and “Michael Farley 2015 Supplemental Care Trust” in accordance the trust documents attached to this order for the benefit of Michael Farley and to pay reasonable and necessary trustee fees.

HON. LANDYA B. MCCAFFERTY
UNITED STATES DISTRICT JUDGE